

Serial No.: 10/726,020

Group Art No.: 2841

REMARKS/ARGUMENTS

Claims 1 through 30 are pending in the application. Claims 1, 9, 17, 21, 25, and 28 are the six (6) independent claims. Claims 2 through 8 depend from claim 1. Claim 10 through 16 depend from claim 9. Claims 18 through 20 depend from claim 17. Claims 22 through 23 depend from claim 21. Claims 26 through 27 depend from claim 25. Claims 29 through 30 depend from claim 28.

Applicant expresses appreciation to the Office that claims 28 through 30 are allowed.

In the Action, claims 25 through 27 were objected to under 35 U.S.C. § 112, second paragraph as being indefinite because of the confusing limitation "position on a user on said scale". Applicants have amended the limitation to correctly state that the user "stands" on the scale. Reconsideration of the objection is requested.

In the Office Action, claims 1, and 3 through 5 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 3,811,523 to Artwick (hereinafter "Artwick"). Applicants respectfully traverse this rejection on the grounds that Artwick neither discloses nor suggests all of the elements set forth in independent claim 1.

Serial No.: 10/726,020

Group Art No.: 2841

Artwick does not disclose or suggest any pad overlying at least a portion of the housing with a pad display window corresponding in size and shape to the scale display window. In contrast, Artwick discloses a cover for a bathroom scale. The cover is formed of a strong transparent plastic. One example of the cover is a polycarbonate resin such as Lexan, made by an injection molding process. Artwick does not disclose any pad as claimed in claim 1.

Reconsideration and withdrawal of the rejection of claim 1 are respectfully requested. Claims 3 through 5 depend from claim 1 and withdrawal of the rejection of these claims are respectfully requested.

In the Office Action, claims 1 through 7 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,195,599 to Salini (hereinafter "Salini"). Applicants respectfully traverse this rejection on the grounds that Salini neither discloses nor suggests all of the elements set forth in independent claim 1.

Salini also does not disclose or suggest any pad, let alone one overlying at least a portion of the housing with a pad display window corresponding in size and shape to the scale display window.

In contrast, Salini discloses a scale platform cover. The scale cover is for use with an IBM Series 4680 Scanning Scale. Such a scanning scale is generally shown in U.S. Pat. No. 4,794,240. The cover has a core of a resilient foam material. The scale cover also has a coating or

Serial No.: 10/726,020

Group Art No.: 2841

thermal skin that is a thin, flexible membranous material or envelope that is made from a well known transparent plastic sheet material for the packaging of heavy items.

This is not a pad, let alone with a pad display window corresponding in size and shape to the scale display window. Reconsideration and withdrawal of the rejection of claim 1 are respectfully requested. Claims 2 through 7 are also patentable for at least the reasons discussed above for claim 1.

In the Office Action, claims 9 through 12, and 15 are rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,426,471 to Gubitose (hereinafter "Gubitose"). Applicants respectfully traverse this rejection on the grounds that Gubitose neither discloses nor suggests all of the elements set forth in independent claim 9.

Gubitose does not disclose or suggest any weight scale being ergonomic and suitable for domestic use with the weight scale further having an operating system with a controller and a memory, let alone one operatively connected to at least an input interface, one or more output indicators, and a display screen. Instead, Gubitose discloses a scale for use with a mouse pad that may be connected via a UBS cable to a personal computer. The personal computer has a memory and a controller, however, the scale in Gubitose is simply connected to the computer.

The scale clearly does not have any operating system, let alone any controller, memory, input interface, output

Serial No.: 10/726,020

Group Art No.: 2841

indicators, or any display screen. Reconsideration and withdrawal of the rejection of claim 9 are requested. Claims 10 through 12, and 15 depend from claim 9 and are patentable for at least the reasons discussed above for claim 9.

In the Office Action, claims 17 and 19 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,366,873 to Levy (hereinafter "Levy"). Applicants respectfully traverse this rejection on the grounds that Levy neither discloses nor suggests all of the elements set forth in independent claim 17.

Levy does not disclose or suggest any method for operating a weight scale with a controller to determine, track and/or compare weight information for one or more operators. Specifically, Levy discloses no such comparison for one or more operators. Levy, instead, discloses a scale where the person weighed enters his or ID number into keyboard.

The ID number is then displayed and stored after the enter key is manually operated. An appropriate message is then generated based upon the goal which has been previously determined or entered for that individual, and there simply is no controller to determine, track, and/or make any comparison for one or more operators. Reconsideration and withdrawal of the rejection of claim 17 are respectfully requested. Claims 18 through 19 depend from claim 17 are also allowable.

Serial No.: 10/726,020

Group Art No.: 2841

In the Office Action, claims 17 and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No.: 6,038,465 to Melton, Jr. (hereinafter "Melton"). Applicants respectfully traverse this rejection on the grounds that the reference neither discloses nor suggests all of the elements set forth in independent claim 17.

Melton does not disclose or suggest any method for operating a weight scale with a controller to determine, track and/or compare weight information for one or more operators.

Melton discloses a weight monitoring system. The system has an integrated scale and a remote monitoring device being communicatively connected by a communication link. The communication link is a telephony line or a wireless connection.

The weight monitoring system facilitates automatic reporting of body weight and other health-related data of a particular person to a remote monitoring facility, where the remote monitoring device is located.

The weight monitoring system provides remote monitoring of a member, and **not the integrated scale itself.**

Reconsideration and withdrawal of the rejection of claim 17 are respectfully requested. Claims 18 depends from claim 17 and also is allowable for at least the reasons discussed above for claim 17.

In the Office Action, claims 21 and 22 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 3,722,611 to Tirkkonen (hereinafter "Tirkkonen"). Applicants respectfully traverse this rejection on the grounds that the reference neither discloses nor suggests all of the elements set forth in independent claim 21.

Tirkkonen does not disclose or suggest any weight scale with an ergonomic body sized and shaped for domestic use with the body having one or more supports that are movable with respect to the body, and one or more sensors for detecting at least a portion of a load applied to the scale.

Tirkkonen discloses a pressure sensor device. The pressure sensor device is placed under a leg of a bed and has a first through third layers. Each layer of the pressure sensor is placed under the leg of the bed.

The pressure sensor device does not have any ergonomic body sized and shaped for domestic use with the body having one or more supports. The Examiner is confusing the legs of the bed with that which is claimed. Clearly, the device does not have any body with one or more supports as claimed. Reconsideration and withdrawal of the rejection of claim 21 are requested. Claim 22 is patentable for at least the reason that it depends from claim 21 and reconsideration and withdrawal of the rejection of claim 22 are also requested.

Serial No.: 10/726,020

Group Art No.: 2841

In the Office Action, claim 25 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,892,180 to Cary (hereinafter "Cary"). Applicants respectfully traverse this rejection on the grounds that the reference neither discloses nor suggests all of the elements set forth in present independent claim 25.

Cary does not disclose or suggest any method of determining a user's weight comprising the steps of providing a scale with one or more sensors with one or more supports being movable with respect to the scale.

Instead, Cary discloses a patient hoist with the hoist having a base and a load sensor mounted to the base with a mast assembly extending from the load sensor. The hoist does not have any supports that are movable with respect to the scale, but instead has a base that is fixed with respect to the hoist. Reconsideration and withdrawal of the rejection are requested.

In the Action, claim 8 was rejected under 35 U.S.C. § 103(a) as being obvious over Artwick, alone. In response, applicants submit that the cited and relied upon Artwick and that which one would allegedly know in the art does not support a prima facie rejection of obviousness under 35 U.S.C. § 103(a).

Applicants respectfully traverses this rejection on the grounds that there is no disclosure, suggestion or motivation in either reference for the modification argued by the Office, and Artwick, and that which one skilled in the art would allegedly know, and the combination thereof,

Serial No.: 10/726,020

Group Art No.: 2841

even if technically feasible, which is not admitted as possible, does not render applicants' claimed invention obvious.

Artwick simply does not disclose or suggest any pad with the property selected from a group consisting of hypoallergenic, antibacterial, and antifungal properties. Moreover, there is no suggestion in any reference for the modification of the cover of Artwick that is made from the strong transparent plastic having a property as claimed in claim 1. Reconsideration and withdrawal of the rejection are respectfully requested.

In the Action, claim 8 was rejected under 35 U.S.C. § 103(a) as being obvious over Salini, alone. In response, applicants submit that the cited and relied upon Salini and that which one would allegedly know in the art do not support a prima facie rejection of obviousness under 35 U.S.C. § 103(a). Applicants respectfully traverses this rejection on the grounds that there is no disclosure, suggestion or motivation in either reference for the modification argued by the Office, and Salini, and that which one skilled in the art would allegedly know, and the combination thereof, even if technically feasible, which is not admitted as possible, do not render applicants' claimed invention obvious.

Salini does not disclose or suggest any pad with the property selected from a group consisting of hypoallergenic, antibacterial, and antifungal properties. Moreover, there is no suggestion in any reference for the modification of the cover as claimed in claim 8.

Serial No.: 10/726,020

Group Art No.: 2841

Reconsideration and withdrawal of the rejection of claim 8 are respectfully requested.

In the Action, claim 13 was rejected under 35 U.S.C. § 103(a) as being obvious over Gubitose in view of United States Patent No. 6,426,471 to Miyahara (hereinafter "Miyahara"). In response, applicants submit that the cited and relied upon Gubitose, and Miyahara does not support a prima facie rejection of obviousness under 35 U.S.C. § 103(a). Applicants respectfully traverses this rejection on the grounds that there is no disclosure, suggestion or motivation in either reference for the modification argued by the Office, and Gubitose, Miyahara and the combination thereof, even if technically feasible, which is not admitted as possible, do not render applicants' claimed invention obvious.

Miyahara discloses a convention remote control unit.

Gubitose, Miyahara and the combination thereof do not disclose or suggest any weight scale where the input interface is a remote control. The Office is using impermissible hindsight reconstruction to combine the remote control unit of Miyahara with the scale of Gubitose. There is no articulation in the Office Action of any motivation in either reference for the combination thereof. Reconsideration and withdrawal of the rejection of claim 13 are requested.

In the Action, claim 14 was rejected under 35 U.S.C. § 103(a) as being obvious over Gubitose in view of United States Patent No. 4,677,569 to Nakano, et al., (hereinafter

Serial No.: 10/726,020

Group Art No.: 2841

"Nakano"). In response, applicants submit that the cited and relied upon Gubitose, and Nakano do not support a prima facie rejection of obviousness under 35 U.S.C. § 103(a). Applicants respectfully traverses this rejection on the grounds that there is no disclosure, suggestion or motivation in either reference for the modification argued by the Office, and Gubitose, Nakano and the combination thereof, even if technically feasible, which is not admitted as possible, do not render claim 14 obvious.

Nakano discloses an electronic device that has an input device for inputting a voice. The electronic device also has a voice recognition device coupled to the voice input device. The voice recognition device recognizes a key word input in voice form from the voice input device.

Gubitose, Nakano and the combination thereof do not disclose or suggest any weight scale where the input interface is a voice command system.

The Office is again using unsupported and impermissible hindsight reconstruction to combine the electronic device of Nakano with the scale of Gubitose. There is no motivation in either reference for the combination, or any other reference. Reconsideration and withdrawal of the rejection of claim 14 are requested.

In the Action, claim 16 was rejected under 35 U.S.C. § 103(a) as being obvious over Gubitose in view of United States Patent No. 4,876,805 to Weber, et al., (hereinafter "Weber"). In response, applicants submit that the cited and relied upon Gubitose, and Weber do not support a prima

Serial No.: 10/726,020

Group Art No.: 2841

facie rejection of obviousness under 35 U.S.C. § 103(a). Applicants respectfully traverses this rejection on the grounds that there is no disclosure, suggestion or motivation in either reference for the modification argued by the Office, and Gubitose, Weber and the combination thereof, even if technically feasible, which is not admitted as possible, do not render applicants' claimed invention obvious.

Weber discloses a high heeled shoe. The shoe has a heel bucket or implant, with a metatarsal insert formed from a shock absorbing, viscoelastic polyurethane elastomer.

Gubitose, Weber and the combination thereof do not disclose or suggest any viscoelastic pad overlying at least a portion of the ergonomic scale and having memory characteristics. One skilled in the art would not be motivated to combine a viscoelastic pad with any ergonomic scale, let alone one having memory characteristics. The rejection is not supported. Reconsideration and withdrawal of the rejection of claim 16 are requested.

In the Action, claim 20 was rejected under 35 U.S.C. § 103(a) as being obvious over Levy in view of Artwick, and further in view of Melton. In response, applicants submit that the cited and relied upon Levy, Artwick, and Melton do not support a prima facie rejection of obviousness under 35 U.S.C. § 103(a). Applicants respectfully traverses this rejection on the grounds that there is no disclosure, suggestion or motivation in either reference for the modification argued by the Office, and Levy, Artwick,

Serial No.: 10/726,020

Group Art No.: 2841

Melton and the combination thereof, even if technically feasible, which is not admitted as possible, do not render claim 20 obvious.

Claim 20 provides for a removable pad suitable for overlying at least a portion of the weight scale. The pad selectively provides added comfort and the removable pad is washable to provide sanitary benefits.

Levy, Artwick, Melton and the combination thereof do not disclose or suggest any such removable pad, let alone one overlying at least a portion of the weight scale for added comfort, or to provide any sanitary benefits.

In fact, Artwick discloses that the cover is permanently fixed to the scale for decorative purposes. One skilled in the art would not remove the transparent plastic cover for washing as this would damage the decorative effect of the cover. The rejection is not supported. Reconsideration and withdrawal of the rejection of claim 20 are requested.

In the Action, claims 21 through 23 was rejected under 35 U.S.C. § 103(a) as being obvious over United States Patent No. 6,407,351 to Meyer, et al., (hereinafter "Meyer") in view of Salini. In response, applicants submit that the cited and relied upon Meyer, and Salini do not support a prima facie rejection of obviousness under 35 U.S.C. § 103(a). Applicants respectfully traverses this rejection on the grounds that there is no disclosure, suggestion or motivation in either reference for the modification argued by the Office, and Meyer, Salini and

Serial No.: 10/726,020

Group Art No.: 2841

the combination thereof, even if technically feasible, which is not admitted as possible, do not render independent claim 21 obvious.

Meyer discloses a cover for a thread assembly for a threaded shaft. The cover is a resilient member that encircles the thread assembly of the shaft to prevent an exposure thereof.

Meyer, Salini and the combination thereof do not disclose or suggest any weight scale with an ergonomic body sized and shaped for domestic use with the body having one or more supports that are movable with respect to the body.

Meyer does disclose a threaded shaft that can be engaged or disengaged by screwing or unscrewing the threaded shaft into a hole for elevating a structure an amount as is known in the art.

However, neither reference discloses or suggests any supports that are movable with respect to the body as claimed. Again, the rejection is not supported. Once the threaded shaft is screwed into an aperture, even with the cover therearound, the threaded shaft is not movable and is stationary. Accordingly, the rejection is not supported and claim 21 is patentably distinct from the cited and relied upon references. Claims 22 and 23 are also patentable as they depend from independent claim 21.

It is applicants' belief that claims 1 through 30 are all in condition for allowance. Accordingly, applicants respectfully request favorable consideration and that the

Serial No.: 10/726,020

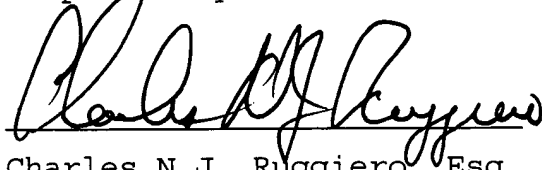
Group Art No.: 2841

application be passed to allowance.

Respectfully submitted,

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